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MONTANA LEGISLATIVE HISTORY

Chapter 109 1983

Bill H 488 S _____ Original bill & history ✓C

H. Committee on Highways & Transportation		S. Committee on Highways & Transportation	
Hearing Date(s) Feb 01	✓C	Hearing Date(s) Mar 01	✓C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 01	✓C	Mar 01	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2ND READING: 03/04/83 AYES: 47; NAYS: 0
3RD READING: 03/07/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 3/7/83

TRANSMITTED TO GOVERNOR: 03/18/83
SIGNED: 03/22/83, CHAPTER 186

488 -- HEMSTAD -- EXCEPTING CERTAIN SAFETY DEVICES FROM THE MEASUREMENT OF VEHICLE WIDTH; AMENDING ...

INTRODUCED: 01/25/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 01/25/83
HEARING: 2/1/83
REPORT: 02/01/83, DO PASS, AS AMENDED
REREFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 02/02/83
REPORT: 02/07/83, DO PASS, AS AMENDED
2ND READING: 02/09/83, DO PASS AYES: 84; NAYS: 0
3RD READING: 02/11/83, DO PASS AYES: 99; NAYS: 0

TRANSMITTED TO SENATE: 2/11/83
REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION: 02/12/83
HEARING: 3/1/83
REPORT: 3/2/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/04/83 AYES: 47; NAYS: 0
3RD READING: 03/07/83 AYES: 46; NAYS: 2

RETURNED TO HOUSE WITH AMENDMENTS TO STATEMENT OF INTENT: 3/7/83
2ND READING: 03/09/83, BE CONCURRED IN AYES: 85; NAYS: 7
3RD READING: 03/10/83, BE CONCURRED IN AYES: 94; NAYS: 1

TRANSMITTED TO GOVERNOR: 03/15/83
SIGNED: 3/17/83, CHAPTER 109

489 -- BARDANOUVE -- TO GENERALLY REVISE LANGUAGE IN EXISTING CODE SECTIONS TO CONFORM TO THE TREASURY FUND STRUCTURE TERMINOLOGY AS ESTABLISHED BY CHAPTER 28, LAWS OF 1981, AS REQUIRED BY CHAPTER 28, SECTION 5, LAWS OF 1981; INSTRUCTING THE CODE COMMISSIONER TO MAKE THE CHANGES; AND PROVIDING AN EFFECTIVE DATE.
BY REQUEST OF: THE DEPARTMENT OF ADMINISTRATION

INTRODUCED: 01/25/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/25/83
HEARING: 2/2/83
REPORT: 02/11/83, DO PASS, AS AMENDED
2ND READING: 02/14/83, DO PASS AYES: 88; NAYS: 1
3RD READING: 02/16/83, DO PASS AYES: 98; NAYS: 1

TRANSMITTED TO SENATE: 2/16/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/17/83
HEARING: 3/14/83
REPORT: 03/14/83, BE CONCURRED IN
2ND READING: 03/16/83 AYES: 48; NAYS: 0
3RD READING: 3/18/83 AYES: 50; NAYS: 0

RETURNED TO HOUSE: 03/18/83

TRANSMITTED TO GOVERNOR: 03/25/83

HOUSE BILL NO. 488

INTRODUCED BY HEMSTAD

IN THE HOUSE

January 25, 1983	Introduced and referred to Committee on Highways and Transportation.
February 1, 1983	Committee recommend bill do pass as amended. Report adopted.
February 2, 1983	Bill printed and placed on members' desks.
	On motion taken from printing and referred to Committee on Highways and Transportation.
February 7, 1983	Statement of Intent attached.
	Committee recommend bill do pass as amended. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Highways and Transportation.
March 2, 1983	Committee recommend bill be concurred in. Report adopted. Statement of Intent amended.

March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 46; Noes, 2.

IN THE HOUSE

March 7, 1983	Returned to House with amendments to Statement of Intent.
March 9, 1983	Second reading, Statement of Intent amendments concurred in.
March 10, 1983	Third reading, Statement of Intent amendments concurred in. Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 488

INTRODUCED BY Senate

A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING CERTAIN SAFETY DEVICES FROM THE MEASUREMENT OF VEHICLE WIDTH; AMENDING SECTION 61-10-102, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-10-102, MCA, is amended to read:

"61-10-102. Width. (1) No vehicle, including a bus, unloaded or with load, may have a total outside width in excess of 102 inches. This width for buses is allowed only on paved highways 20 feet or more in width.

(2) This restriction does not apply to an implement of husbandry or a vehicle used for hauling hay, moved or propelled upon the highway during daylight hours for a distance of not more than 100 miles if the movement is incidental to the farming operations of the owner of the implement of husbandry or the vehicle used for hauling hay. If the implement or vehicle has a width in excess of 12 feet, it shall be preceded by flagman escorts for the purpose of warning other highway users. This restriction does not apply to dual-wheel tractors under 15 feet overall width which are used in farming operations. The rear of the implement of husbandry or vehicle used for hauling hay shall properly display lights which meet the standard requirements of 61-9-219. However, if the highway passes through a hazardous area, the implements or vehicles must be preceded and followed by flagman escorts.

(3) A safety device that the department of highways determines by rule to be necessary for safe and efficient operation of motor vehicles is not included in the calculation of width provided in subsection (1)."

-End-

INTRODUCED BILL

HB 488

REP. O'CONNELL moved the bill be tabled. The motion was seconded by Rep. Solberg and unanimously approved by Committee members.

HEARINGS

HOUSE BILL 488. REP. ANDREA HEMSTAD, District 40, Cascade County, testifed as sponsor of the bill and read from prepared testimony (exhibit). She said the bill would allow the Department of Highways to exempt a safety device necessary for the safe and efficient operation of a motor vehicle, from the vehicle width restriction. She told committee members page 2, line 5, would be amended by striking "Department of Highways and inserting "Montana Highway Patrol".

PROPONENTS

MR. DON COPLEY, Montana Department of Highways, advised of Departmental support of the bill.

MR. BEN HAVDAL, Montana Motor Carriers Association, said his organization supported the bill.

MR. ROBERT HELDING, Montana Wood Products Association, said he supported the bill.

OPPONENTS

There were no opponents of the bill and Rep. Hemstad closed.

QUESTIONS

There were no questions from the Committee.

EXECUTIVE SESSION

HOUSE BILL 488. REP. SHONTZ moved the bill Do Pass and then moved the amendments to the bill be approved. The motion was seconded by Rep. Hemstad and unanimously approved by committee members.

REP. O'CONNELL moved the bill Do Pass as Amended. The motion was seconded by Rep. Keyser and unanimously approved by committee members.

SENATE BILL 82. REP. SHONTZ moved the bill be referred to the House Human Services Committee. Discussion of the motion followed.

STANDING COMMITTEE REPORT

FEBRUARY 1 19 83

MR. SPEAKER:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE Bill No. 488

FIRST reading copy (white color)

A BILL FOR AN ACT ENTITLED: "AN ACT EXCEPTING CERTAIN SAFETY DEVICES FROM THE MEASUREMENT OF VEHICLE WIDTH; AMENDING SECTION 61-10-102, MCA."

Respectfully report as follows: That HOUSE Bill No. 488

Be amended as follows:

1) Page 2, Line 5.
Following: "that the"
Strike: "department of highways"
Insert: "highway patrol division"

2) Page 2, Line 6.
Following: "rule"
Insert: "adopted pursuant to 61-9-504"

AND AS AMENDED

DO PASS

REP. HUBERT ABRAMS Hubert Abrams
Chairman.

STATE PUB. CO.

VISITOR'S REGISTER

HOUSE ~~HB 488~~ Highways & Transportation COMMITTEE

BILL HB. 488 DATE 2/1/83

SPONSOR Fabrega

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Col. R.W. Landon	Helena	Highway Patrol	X	
Don Copley	Helena	Dept. of Highways	X	
K.A. Jensen	Helena	FHWA	X	
Ben Havdahl	Helena	Mont Motor Carriers	X	
BOB HELDING	MISSOULA, MT	MT. WOOD PRODUCTS ASSOC	X	
C				

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

2-1-83

STATEMENT OF INTENT
HOUSE BILL NO. 488 ~~[LC-2363]~~

A statement of intent is required for this bill because it gives the highway patrol authority to allow by rule a safety device on a vehicle to protrude beyond the 102-inch width limit set in 61-10-102. This authorization is necessary to conform with federal law that excludes from 102-inch width limit safety-related appendages such as rear view mirrors, twin signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mudflaps, splash and spray suppressant devices or designs, refrigeration units, or air compressors which the highway patrol may interpret as necessary for safe and efficient operation of commercial motor vehicles.

2-1-83

House Bill No. 488

Page 2, line 5.
Following: "that the"
Strike: "department of highways"
Insert: "highway patrol division"

Page 2, line 6.
Following: "rule"
Insert: "adopted pursuant to 61-9-504"

WITNESS STATEMENT

NAME BOB HELDING BILL No. HB 488

ADDRESS MISSOULA, MT. DATE 2-1-83

WHOM DO YOU REPRESENT MONTANA WOOD PRODUCTS ASSOC.

SUPPORT X as amended OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill will allow Montana to get in line with the federal rule. Support as amended!

FORM CS-34
1-81

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

March 1, 1983

The meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on March 1, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senator's Etchart, Hager, Elliott, Shaw and Daniels present. Senator's Tveit, Graham, Manning and Stimatz were absent.

HOUSE BILL NO. 488: Hearing commenced on House Bill No. 488, introduced by Representative Hemstad. House Bill 488 amends existing Montana law establishing a maximum of 102 inches in width for vehicles to conform changes in the federal law recently enacted by the Congress. Montana's law provides that no vehicle may have a total outside width in excess of 102 inches. The federal law was amended to provide a vehicle width maximum and minimum of 102 inches to be operated on any segment of the National System of Interstate Highways or any other Federal aid highways to be designated by the DOT Secretary. The federal bill clarifies the measurement of the 102-inch width to not include certain safety devices which the Secretary of Transportation determines as necessary for the safe operation of motor vehicles. HB488 provides for a similar exemption of safety devices in measurement of the 102-inch width maximum in Montana. The bill provides that the Department of Highways will determine by rule the specific safety devices. It was learned after this bill was drafted that the more appropriate agency to make that determination is the Montana Highway Patrol. An amendment has been made to make that change. For the committee's information, the kind of safety devices referred to would include, but not necessarily be limited to, such devices as rear-view mirrors, turn signals lamps, marker lamps, step and handles for entry and egress, mud flaps, and splash and spray suppressant devices, and other similar devices as determined by the Highway Patrol.

Sam Hubbard, Department of Highways, told the committee the Department is in support of HB488.

Garfield Munson, Highway Patrol, told the committee the Highway Patrol would like to go on record of being in support of HB488.

Bob Helding, Montana Wood Products told the committee they would like to go on record favoring this bill. I think it will be an asset to the industry.

Ben Havdahl, Montana Motor Carriers, told the committee they also support this legislation, to conform to federal statutes.

There were no further proponents or opponents.

Senator Elliott asked if the language in the Statement of Intent was taken from the federal law. I cannot understand the reason for refrigeration and air compressors.

Ben Havdahl said yes, the language both in the bill and in the Statement of Intent were taken from Federal Law. He gave the committee a copy of the law. See Exhibit 1.

Senator Shaw pointed out a typographical error on line 11. Twin signal lamps should be turn signal lamps.

In closing Representative Hemstad said this is only putting in compliance Montana law with federal statutes.

There being no further discussion, hearing on House Bill No. 488 was closed.

ACTION ON HOUSE BILL NO. 488:

Senator Shaw made the motion to amend the bill as follows:

1. Page 1, line 11.
Following: "mirrors,"
Strike: "twin"
Insert: "turn"

The motion carried unanimously.

Senator Shaw made the motion that House Bill No. 488, as amended Be Concurred In. The motion carried unanimously. Senator Shaw will carry the bill on the floor of the Senate.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 2:00 p.m.

Mark Etchart

Senator Mark Etchart, Chairman
Highways and Transportation

ME/cdf

ROLL CALL

SENATE HIGHWAYS AND TRANSPORTATION COMMITTEE

48 ~~47~~th LEGISLATIVE SESSION -- ~~1981~~ 1983

Date 3/1/83

NAME	PRESENT	ABSENT	EXCUS
Senator Mark Etchart, Chairman	✓		
Senator Hager, Vice Chairman	✓		
Senator Elliott	✓		
Senator Shaw	✓		
Senator Tveit		✓	
Senator Graham		✓	
Senator D. Manning		✓	
Senator Stimatz		✓	
Senator Daniels	✓		
Paul Verdon, Leg. Council	✓		
Carol Doyle Frasier, Secretary	✓		

SENATE Highways COMMITTEE

BILL 488 VISITORS' REGISTER DATE 3/1/83

Please note bill no.

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOS
Garfield Mussen	Highway Patrol	488	✓	
Sam Hubbard	Dept. of Highways	488	✓	
Bob Heeding	Montana Wood Products	488	✓	
KEITH L. OLSON	MT. LOGGING ASSN	488	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

FOR: Jerry Flannery FROM: Allen Jones, ATA

143 Calendar No. ---

NO. ---

: To provide certain discretion with respect to truck

THE SENATE OF THE UNITED STATES--97th Cong., 2d Sess.

S. ---

---

ed to the Committee on and

ordered to be printed

ordered to lie on the table and to be printed

dment In the Nature of a Substitute intended to be proposed

Mr. Eagleton (for himself and Mr. Schmitt) to the unprinted

amendment intended to be proposed by Mr. Andrews

.) to S.(2574), a bill to (extend authorizations for the Federal

ighway Act).

Strike out all after "viz:" and insert in lieu thereof

the following:

At the end of the bill, add the following new section:

Sec. . (a) Section 127 of title 23, United States Code, shall

is amended by adding at the end thereof the following:

"Notwithstanding any other limitation relating to vehicle

widths contained in this title, a State may permit trucks or

combinations thereof having a width of not more than 102

inches to operate over interstate highways, National Defense

Highways, or any other qualifying federal-aid highway as

designated by the Secretary of Transportation, with traffic

lanes designed to be a width of 12 feet or more.".

Highway Page 6 2/11/81

(b) The width limitation described in the preceding subsection shall be exclusive of safety-related appendages, such as rear view mirrors, turn signal lamps, marker lamps, steps and handholds for entry and egress, flexible fender extensions, mud-flaps and splash and spray suppressant devices, load-induced tire bulge, , energy conservation devices or designs, refrigeration units or air compressors, which the Secretary of Transportation may interpret as necessary for safe and efficient operation of commercial

motor vehicles.

(c) No State may enact or enforce any law denying reasonable access to commercial motor vehicles subject to title 23, United States Code, to and from the Interstate Highway System and the Federal-aid primary system and terminals and facilities for food, fuel, repairs, and rest.

Highway Page 7, 3/1/83

Excerpt from the Congressional Record of December 16, 1982, p. H 10002

Senate amendment No. 92: Page 39, after line 23, insert:
"Sec. 321. Notwithstanding any other provision of law, no funds authorized to be appropriated for any fiscal year under provisions of the Federal-Aid Highway Act of 1956 shall hereafter be apportioned to any State which imposes a vehicle width limitation of more or less than 102 inches on any segment of the National System of Interstate and Defense Highways, or any other qualifying Federal-aid highways as designated by the Secretary of Transportation, with traffic lanes designed to be a width of twelve feet or more: PROVIDED, That, notwithstanding any other provision of law, certain safety devices which the Secretary of Transportation determines as necessary for safe ane efficient operation of motor vehicles shall not be included in the calculation of width: PROVIDED FURTHER, That, notwithstanding any other provision of law or of this paragraph, a State may grant special use permits to motor vehicles that exceed 102 inches: PROVIDED FURTHER, That, notwithstanding any other provision of law, no withholding of apportionment shall be imposed upon a State by virtue of the provisions of this paragraph prior to October 1, 1983."

(From the Conference Report on H.R.6211)

Page 8

March 1 19 83

MR. PRESIDENT:

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration STATEMENT OF INTENT - HOUSE Bill No. 488

HEMSTAD (Shaw)

Respectfully report as follows: That STATEMENT OF INTENT - HOUSE Bill No. 488

be amended as follows:

1. Page 1, line 11.
Following: "mirrors,"
Strike: "twin"
Insert: "turn"

And, as so amended,
BE CONCURRED IN

DO PASS

SENATOR MARK ETCHART Chairman.

STATE PUB. CO.
Helena, Mont.